

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: Proposed Amendments
to Rule 404 of the Utah
Rules of Evidence

Case No. 20080071-SC

ORDER

IT IS HEREBY ORDERED that Rule 404 of the Utah Rules of Evidence is amended to include the following section (c), promulgated and effective April 1, 2008:

(c) Evidence of similar crimes in child molestation cases.

(1) In a criminal case in which the accused is charged with child molestation, evidence of the commission of other acts of child molestation may be admissible to prove a propensity to commit the crime charged provided that the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the nature of any such evidence it intends to introduce at trial.

(2) For purposes of this rule "child molestation" means an act committed in relation to a child under the age of 14 which would, if committed in this state, be a sexual offense or an attempt to commit a sexual offense.

(3) Rule 404(c) does not limit the admissibility of evidence otherwise admissible under Rule 404(a), 404(b), or any other rule of evidence.

FOR THE COURT:

Date

January 25, 2008

Christine M. Durham
Christine M. Durham
Chief Justice